See ye Narrative at large of ye Ld Craven's case in fol.

# THE Lord Cravens Case Briefly Stated out of the REPORT: WITH OBSERVATIONS,

*UPON THE SEVERAL PARTS OF THE SAME.*

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THE

# Lord *Crauens* Case,

Briefely Stated.

THat the Lord *Crauen* in February, 1641. went out of England to his Charge in Holland by licenſe of the Lords aſſembled in Parliament.

The 6. of February, 1650. the Council of State refer it to the Commiſſioners for Compounding, to examine certain witneſſes againſt the Lord *Crauen*, to proceed againſt him according to the Act and Ordinances for Sequeſtration, and to give an account of their proceedings.

Thereupon two witneſſes are examined at whitehall, whoſe depoſitions are mentioned *in the report at large*, and one at Haberdaſhers-Hall.

The 15. of February, 1650. the Lord *Crauens* Agents deſired a copy of his charge, to the end to make a defence, but could not obtain it.

The 4. of March, 1650. the Commiſsioners for compounding certifie the Examinations taken, and offer it as a doubt to the Council of State, *Whether it were within the Act of Sequeſtration for any living beyond Seas to hold correſpondency with, or to repair to the King of Scots when beyond the Seas, and the Council order a Report thereof to be made to the Parliament.*

# OBSERVATIONS

Vpon the ſeveral parts of the

## LORD CRAVENS CASE.

*THe examinations of* Falconer *was firſt framed, and then the Commiſſioners at* Haberdaſhers-hall *were ſent for to give the ſaid* Falconer *his oath at* White-hall; *there was no precedent Charge, or Accuſation againſt the* L. Craven, *ſo as the witneſs muſt of himſelf be an informer.*

*Of the three witneſſes there is but only* Falconer *that hath any thing of crime in his Depoſition, who is convicted of perjury for the very matter of that Depoſition; thoſe Depoſitions are in the nature of Affidavids, and are no evidence to convince.*

*The conſtant ceurſe was after information taken againſt any, to give them Copies of the Charge, to prepare themſelves to anſwer, before any thing done againſt them: here was no Charge drawn up, whereto an anſwer might be made, neither before nor after the Depoſitions, neither in Parliament nor elſewhere.*

*There was juſt cauſe for the doubt, no Act or Ordinance impoſing ſequeſtration for any ſuch crime, and neither of theſe doubts were at any time reſolved by the Parliament, neither is it known upon which point they voted the confiſcation.*

The 6. of March, 1650. upon the report resolved by the Parliament, that the Lord *Craven* is an Offender within the Declaration of the 24. of August, 1649. Declaring all persons who have served the Parliament of England in Ireland, and have betrayed their trust, or have, or shall adhere to, or aid and assist *Charles Stuart*, son of the late King, to be Traytors and Rebels, and that the Estate of the Lord *Craven* be confiscate accordingly: And that the Commissioners for Compounding be impowred and required to seize and sequester all the Estate real and personal of the Lord *Craven*.

*The Vote of Confiscation passed the same day the information was reported to the Parliament there was then no Charge, Impeachment, or Indictment to which the Lord* Craven *might answer, or wherein his crime did appear.*

*It is against the Law, and contrary to severall Acts of Parliament, that any should forfeit his Estate without conviction upon a bare Vote without any Charge.*

*It were unreasonable to expound this vote, that men should be adjudged Traytors and Rebels without legall tryal, and it cannot be supposed that a parliament, which is to preserve the peoples liberty, should take it away, and deprive them of that security which common Law and Iustice gives them, being adjudged to lose life and fortune without tryall or hearing; nor did the vote intend that an insufficient evidence in Law should be valid and perfect in parliament, for that in this case were to expose the parliament to reproach, and take away all credit of their proceedings.*

*The Declaration of the* 24 *of* August 1649. *within which the L.* Craven *is voted to be an offender, is but a bare vote not reduced into a Law, which ought not to confiscate any mans estate real or personal. It appeares by the vote, that it was only intended for* Ireland, *no man within it, but those that had served the parliament of* England *in* Ireland, *and had betrayed their trust, or had or should adhere to the son of the late King, or any of the forces in* Ireland *against the parliament; and the same vote is ordered to be printed and published, and sent into* Ireland *to be put into execution there. But the Vote was most severely put in execution against the L.* Craven, *who resided all these times in* Holland, *and never served the parliament in* Ireland.

By Order of the 11. of March, 1650. from the Commissioners for compounding the Lord *Cravens* real and personal estate, was seized and sequestred.

*Upon the issuing of these Orders for Confiscation some Members of Parliament bought part of the L.* Cravens *personal estate. some of whom afterwards interested themselves in large purchases of his real estate.*

The Lrod *Crauen* by his Agents endeavoured the repeal of those Votes, and Iune 12 1651. upon the debate of the first Bill for Sale of Delinquents Estates upon the question, whether the Lord *Crauen* should be within that Bill? it was resolved in the Negative; which Vote the third of Iuly 1651. was confirmed by a Summons, which was then directed for the Lord *Crauen* to appear the third of September following, which was to be published in Westminster-Hall, and at the Old Exchange.

*All the Votes against the L.* Craven *were carried but by one, two or three voyces, nothing clearly carried against him at any time after a vote in Parliament was carried in the Negative, to have the same question reassumed was unparliamentary, and shews that some in power which afterwards made hast to possess his estate were desirous of it from the first.*

*It is an unheard of course in Justice, that an estate should bee confiscate, and the party have a Summons afterwards, the judgment preceding the Summons.*

*The Summons without a charge or impeachment against him was illegal and irregular, as to ground any forfeiture upon the not obeying of it, it ought to have been to his person, and then if there had been a charge against him, the penalty for disobeying had been but a seizure* quo usque, *no confiscation or other forfeiture for that.* This is the Law of England.

The Lord *Crauen* sends several Petitions, and others petitioned on his behalf, but could not prevail to be heard thereupon, and on Iune 22, 1652. upon the debate of an Additional Bill for Sale, the Parliament was informed by Petitions that Falconer (the onely witness that did depose any thing of crime against the Lord *Crauen*) was perjured, and their directions for examination thereof was thereupon desired.

But that not being granted Iuly 12 1652. Falconer was indicted of perjury at Guild Hall, and the indictment found.

*Was it ever known before a person accused desired to be heard and it was declined? the truth of this appears by the petitions themselves remaining on record, in the hands of Mr,* Scobel *Clerk of the Parliament; Neither was* Falconer *ever heard* viva voce *before the* Parliament, *or any* Committee *of Parliament, without which course no man was ever before adjudged by parliament.*

The 20 of Iuly, and 3 of Aug. 1652, upon debate of an Additional Bill of Sale, the Parliament were by petition informed, that the Indictment against Falconer was found, and that there were several other matters to impeach his testimony; notwithstanding the Lord *Crauen* was voted to be inserted in that Bill, which Vote was passed by a major number of two voyces only.

The 4 of August, 1652, the Lord *Crauen* is inserted into a Bill of sale, and thereby all his Mannors, Lands, Tenements and Hereditaments are Enacted and Declared to be forfeited.

The Lord *Crauen* addresseth himself by petition to the Parliament to redeem his estate from sale, but could not prevail.

The 20 of May, 1653. *Falconer* upon a full hearing at the Upper Bench-Bar, is found guilty of Perjury for that Deposition only.

*The* Members *of that* parliament, *which passed* votes *concerning the Lord* Craven, *stept in with the first to buy the* Estate, (though it was absolutely contrary to what had been formerly setled by vote of Parliament, that the whole proceedings were unparliamentary and carried precipitately, as appeares by the progress.) *All means being shut up, whereby the secret contrivance of this* deposition *of* Falconer, *and the falshood contrived in it, might be discovered; which is sufficient evidence that some did seek the profit of themselves by the ruin of another, and devouring the Lord* Cravens *Estate*; (though sometimes Rebels in Arms and open hostility have been esteemed convict by the notority of the fact, being publikely avowed by themselves, and the supreme power, aslaulted by them openly,) *yet it was never known*, that where the fact was particular & not apparent, but that it was to be discovered by examinations before any person was condemned to suffer in life, liberty or estate; *For it were against all the* practice of State that ever had been, *and against* common Justice, and pernicious to humane society, *and for the prevention whereof, many* Laws have been made in England; *all which this course against* the Lord Craven *overthrows*: *And* there is a wide difference where a fact is denyed, and where it is avowedly continued; *and therefore*, violence against a Magistrate drawes on sometimes the death of the Acter by the wilfulness and resistance of Authority without judgment (as it often happens in Tumults) but extraordinary courses are never just where ordinary may be used, where a man may be proceeded against by the ordinary way of Indictment and legal accusation, it is unjust to fall upon him by an absolute power without the requesite circumstances of judicature.

At this Tryall there was as great an Auditory as hath been seen at any Tryall.

Besides, as to the Infamous carriage of this perjured Witness, it was proved at the tryall, that he drunk healths to the Devil on his knees: That he said our Saviour Christ was a Bastard, and the Virgin *Mary* a Whore: That he gave a man 20.s. in gold to permit him to bugger him: And also was committed to *Aelesbury Goal*, and afterwards to *Newgate* upon suspition of several Felonies.

The

*The ſuppoſed offences of the Lord* Craven *were fully pardoned by the Act of Oblivion, and Clame made by him thereunto before the Commiſſioners at* Habberdaſhers Hall *before the paſsing of the Act of Sale for his Lands. and he is debarred of the benefit of the Act only, by being put into a bill of Sale after the paſſing of the ſaid Act of Oblivion.*

*And therefore he humbly prayeth the repeal of the ſaid Votes of the* 8. of March, 1650. *and of ſo much of the Act of Sale, as concerneth his eſtate, and that he may have ſuch reparation for his unſufferble loſſes, as the Parliament in their Honors and Juſtice ſhall ſeem meet.*

31